



Notre Dame Law Review

Volume 19 | Issue 1

Article 4

9-1-1943

Book Review

Thomas F. Halligan

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Thomas F. Halligan, *Book Review*, 19 Notre Dame L. Rev. 52 (1943).

Available at: <http://scholarship.law.nd.edu/ndlr/vol19/iss1/4>

This Book Review is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.

BOOK REVIEW

MUNICIPALITIES AND THE LAW IN ACTION.—A Record of City Legal Experience Covering The First Year of the War. By Charles S. Rhyne, Editor. Published by National Institute of Municipal Law Offices, 1943. Price, \$7.50.

The proceedings of the 1942 war conference of the National Institute of Municipal Law Officers is set forth in this book. The principal function of the National Institute is to act as a national clearing house of municipal legal information for its member cities. The general direction of all this work has been carried out by Charles S. Rhyne, the editor of the book. In answering the inquiries from individual member cities, the Institute performs its largest task.

The Institute has been commended for its labors by a personal letter of gratitude from President Roosevelt. He expressed his appreciation of their efforts to aid the war. Thus the Institute performs a dual task by advising the cities in their war problems; they help to coordinate the local and Federal government in the war effort.

Charles S. Rhyne, The Executive Director of the Institute, should be congratulated for the splendid job he accomplished by compiling and editing the material used in this book. It is made up of many and varied articles, each article by a different author. However, a municipal problem is considered in each report. The authors of these reports are municipal attorneys from all parts of the nation. Each author presents a problem of his municipality that has been met and solved. He sets forth the ways and means that this was accomplished with the hope that it will both solve and prevent that problem in other cities.

Because this book cannot be reviewed in a general way we will dwell on the more important chapters or reports. The reason for this method is that each chapter deals with an entirely different subject matter. Therefore we shall present the most informative discussions, opinions, and decisions.

The first report by Paul E. Krause, Corporation Counsel of Detroit, considers the American cities at war. Civilian defense is stressed, and the information set forth in his report should be indispensable to any city attorney, as well as to the director of civilian defense in any municipality.

Mr. Krause considered it thusly: "It will be seen that the problems created for American cities by the war fall roughly into the following categories: The organization of civilian protection, municipal employment problems brought about by the war, municipal wartime revenue and finance problems, the use or devotion of municipal money, property and facilities for war purposes, the dislocations resulting from wartime

population shifts with attendant housing transportation and moral problems, the effect of Federal war measures upon municipal activities, and the matter of dealing with personnel of the armed forces. These broad categories are not mutually exclusive nor perhaps are they sufficiently comprehensive, but they serve as an indication of the difficulties for which city attorneys have been called on to devise solutions.

In dealing with most of these matters the growth of centralization of control and authority bringing about some degree of subordination of municipal to state and federal powers is seen as perhaps the most striking feature. In all of the matters summarized above the role of the Federal government is of great importance and a tendency develops to seek the answer to all questions in Washington. In the conduct of total war such centralization of power may be required in the interest of efficiency, although there is always a question as to what degree of centralization best promotes efficiency and when the line is crossed which carries over into the field of bureaucratic inefficiency, delay and mismanagement. Even in wartime England, which we consider a much more centralized governmental system than our own, considerable scope is left for local action. Obviously, centralized authority is a necessity in matters military, but in the field of civilian defense, the execution of basic protective measures must be carried out on a local or regional basis. However much increased Federal power may be felt necessary during wartime, in the interest of maintaining our democratic system and of avoiding the dangers of excessive government regulation exhibited by our Axis opponents, the restoration of local authority in its proper fields must be brought about as soon as feasible after termination of the war emergency. Close Federal-city relations will remain but they must be based upon cooperation, not dictation." (p. 138)

Following this, is a report by F. Murray Benson, city attorney for Baltimore, who deals with the federal attempt to control municipal salaries and wages. Mr. Benson sums it up in this way: "I think that we can conclude as a practical matter, that there is no real necessity because of the war, or because of inflation, to impose Federal control upon the wages and salaries of municipal employees. We can go further and say that there is good reason to believe that this attempt will impede rather than accelerate the effort to prosecute the war to a successful conclusion. We are a republic, operating under a time-honored system of government. Our government processes have been developed through long years of actual experience and have been brought to a stage of efficiency that is rather remarkable. This is reflected in the peaceful and orderly manner in which the affairs of the municipalities for the most part have been conducted. Suddenly and startlingly to inflict new procedures and to further complicate the relations between municipalities and their employees, cannot help but do violence to the efficiency and economy of the conduct of our affairs, and cannot help but disturb the domestic tranquility. There is, in law, no general panacea for all the ills that afflict the social order, and no machine or government devised by man is one hundred per cent efficient. This present

attempt is not a panacea and it will not produce the result claimed for it." (p. 161)

Raymond Schroeder, corporation counsel for the city of Newark, discussed the problem of jurisdiction of the war labor over disputes between municipalities and unions of municipal employees. Mr. Schroeder concluded in this manner by stating: "The Constitution was designed to meet the stress and strain of war, as well as for the normal activities of peace. We find no provision in it or in the enactments of Congress since the inception of the present war which in any way justify the assumption by any Federal agency, regardless of how it may have been created or for what purpose to interfere in the traditional field of States Rights and Home Rule, especially with respect to relationships between governmental units and their employees." (p. 172)

The succeeding important problem of federal, state and city relations in solving war problems, was discussed by A. L. Jeffrey, municipal counselor for Oklahoma City in the following way: "The determined and united effort on the part of the American people to successfully prosecute the present war has brought about drastic changes in the administration of the legal affairs of American cities. By the time peace has been restored if not before that time, we shall all see that we have drifted a long way in the administration of legal affairs from well established precedent and legal mandate. We shall have grown somewhat indifferent to precedent and legal inhibition. Indifference of this kind will not be tolerated in peace times. Our city governments shall be so entwined with Federal government by reason of contract and joint effort in a major task that proper solution of city problems will be more difficult than at present. And don't forget! Everything then will be done under a watchful, unsympathetic and critical eye. For the foregoing reasons and many more, cities and towns more than before, will need to be closely knitted in a national organization for their mutual aid and guidance. We therefore recommend that all cities and towns come into the National Institute of Municipal Law Officers and create a more perfect union for the task which lies just ahead." (p. 193)

The next issue was discussed by George M. Ferris, city attorney for Spokane, and set forth a very enlightening report such as this: "In a strike of some employees in the City of Cleveland Heights, Ohio, it is reported that the City Attorney rendered an opinion to the City Council which stated in part: 'This strike is entirely an illegal one. No group of public employees has the legal right to strike against the government that employs them. . . . Public policy requires that the government of the city always function without interruption. . . . If by 'recognize' it is meant that the city by contract, written or oral, may make an arrangement with the union for closed shop or for classification of work, or for some particular wage schedule. . . . then I am entirely satisfied that the city has no such right. The city has no legal right to enter into any collective bargaining with groups, labor or otherwise. The law will not permit it.' The city attorney, however, held that the city employees did have the right to organize and present

their views on wages and hours and working conditions, and that 'it is perfectly legal and proper for the manager's office and council meetings to be open . . . to complaints presented by a grievance committee.'

Your committee suggest that this opinion, which follows closely the line of reasoning and authority presented by the Institute in its report and by your Committee in its conclusions in the 1941 report, accurately describes the legal status of municipal collective bargaining." (p. 204 and 205)

Cities and the post war emergencies was next considered by Walter J. Mattison of Milwaukee, city attorney, who stated in conclusion that: "The problem of the master plan would be to get people back into the center of the city by making the blighted areas attractive and habitable. The city could take the initial step by eliminating the worst part of the blighted area through low cost housing facilities as attractive as those established in Charleston, West Virginia, or in New York City.

It has been the accepted experience in all large scale housing operations that smaller operations along orthodox commercial lines in abutting areas result. For many blocks on each side of these large scale operations competent builders have initiated private housing for the low income tax group.

A gigantic project, having as its objective the elimination of blighted areas in a city such as herein suggested, will produce a tremendous amount of work in the building industries that would give employment to many thousands of skilled and unskilled workmen, and would go a long way towards meeting the postwar unemployment crisis. It would be a public purpose in the highest sense of the words, and justify public expenditures, first, because through the elimination of slum conditions it would vitally affect public morals, eliminate fire hazards, cause an inward shift of population, thus reducing now increasing municipal expenditures that have risen to dizzy heights. It will tend to enhance the taxable value of property in the most important and valuable parts of the city, and thus relieve the home owning taxpayer of a considerable burden of the cost of government. In other words it will reduce taxes on homes." (p. 230)

Following this, we have a commendable discussion of the war and public housing by C. Wesley Killebrew, municipal counsel for Augusta, Georgia. Mr. Killebrew laid out several good court decisions worthy of our consideration. He states: "It is in connection with the demarcation of limits with respect to general civil jurisdiction that the courts have been instrumental in eliminating fears with regard to Federal encroachment upon local sovereignty. In June of this year, 1942, the Supreme Court of California, in the case of *Johnson V. Morril*,¹ established the principle that tenants of war housing projects constructed by agencies of the Federal government are not deprived of their right of suffrage

1 20 Cal. (2) 476 & 126 P. (2) 873 (1942).

under the laws of California by reason of their residence in such projects. Thus, the case indicated that it will be the several States and not the Federal government who will exercise general civil jurisdiction over the war housing owned and operated by the Federal government itself and that tenants of such projects will not be considered as 'wards' of the Federal government not entitled to the benefits, nor subject to the obligations of citizenship in the respective States in which the projects are located.

On September 19, 1942, The Supreme Court of Kansas, in the case of *State of Kansas ex rel Praker v. Corcoran*,² issued an opinion in accord with the holding of the California court in connection with Federal war housing projects in the State of Kansas. As a result of these two decisions, it seems clear that the Federal government has acquired no civil jurisdiction over war housing projects constructed for war workers, so that these decisions should have a very salutary effect in cleansing the air with respect to possible fears that local rights and sovereignty will suffer because of the necessity of the Federal government's assuming certain activities as a result of the present national emergency. (p. 250 and 251)

Another good decision was the case of *Denard v. Housing*.³ Authority of Fort Smith, decided by the Supreme Court of Arkansas, the suit was brought by several Negroes to prevent the condemnation of their land for purpose of erecting a housing project for white tenants. The court denied the relief prayed for and held that the Housing Authorities Act gave the Authority the power to select the locality for a project and that in the absence of a charge that their action was arbitrary, capricious or fraudulent, their action will not be disturbed. It also stated that there was no discrimination against the petitioners on account of their color or race since the evidence showed that a second project had been planned to serve Negro families." (p. 268)

A report as to the effect of the war on city revenues and city finances is given by Francis P. Burns, city attorney for New Orleans. Mr. Burns is worthy of praise when he said: "The Nation moves towards total mobilization and all or nearly all of our activities depend upon a signal from Washington as to whether or not we can go ahead or stop, the financial integrity of our Cities will depend more and more upon whether or not Federal officials realize the value to the Nation of our cities. The growing dependence on the Federal government brings with it a gradual giving up of independent action by municipalities. The growing Federal taxes bring with them more and more difficulty for financing of municipalities without dependence upon the Federal government. Now is the time for all City Attorneys to give their best efforts and to see to it that their cities give their best efforts to the successful prosecution of the war, but we should be ever alert to the vast implications and the effects on our cities of non-emergency control

² 128 P. (2) 999.

³ Arkansas 159 S. W. (2) 764.

directly or indirectly. Controls destroying the independence of cities, either directly or indirectly, will come in the financial field for cities can do nothing without finances, so it is to this field that we must direct our thinking and our planning for the future as well as the present." (p. 293)

Richard H. Hill, city attorney for Louisville, considered the problem of tax exemption of commercial property of religious, charitable and educational institutions, a loss of needed municipal wartime revenue. Mr. Hill said: "As a result of my study of the law and cases in Kentucky, I advised the Mayor and City Assessor of Louisville that I thought all commercial revenue-bearing property in Kentucky, belonging to religious, charitable and educational institutions, is taxable under Section 170 of our Constitution, and that it should be placed upon the City's tax rolls. I pointed out, however, that as to charitable and educational institutions, such property has been held to be tax exempt and that the City should prepare and present a test case to our courts for the purpose of asking the Court of Appeals to overrule the old decisions.

Public sentiment in Louisville with reference to our program has been almost 100 per cent favorable, and we have high hopes of convincing our courts of the justness and correctness of our position." (p. 301)

The attempt to tax municipal bonds—a war claim disproved is the problem solved by Harry Seale, municipal attorney of Mobile, who states in a worthy fashion the following: "In one of the most bitter debates in recent months, the Senate went into all practical and constitutional questions which the Federal tax on city bonds created. Finally on October 2, 1942, the Senate voted 52 to 34 to continue the present exemption from Federal taxes on the future issues of municipal bonds. Back of this Senate vote, however, lies a lot of real hard work by municipal officials. Letters and telegrams from Mayors and City Attorneys, resolutions of City Councils and communications from other City Officials were required to convince many of the Senators of the vital issue which was at stake. The proponents of the tax finally conceded that it would not raise any immediate war revenue, thus admitting that the issue had been misrepresented as a war revenue measure by the Treasury Department.

Cities today are shorthanded with so many officials and employees in the Federal armed forces. City financial problems and financial losses due directly to the war program are so great as to cause all municipal officials to need all of their time to solve these problems. Yet, harassed and overworked City officials must spend their time and the money of their cities to fight off unwarranted, unconstitutional, and impractical Treasury Department proposals. Your Committee hopes that the recent double defeat in the House and Senate of the Treasury's proposal will end this matter once and for all—at least until victory in the all out war to which all of our energies should now be dedicated." (p. 305 and 306)

The next report is by Walter Aitken, city attorney of Bozeman, Montana, who considers the effect of the war on state revenues shared with cities and says: "Although some few States have recently increased the cities' shares of State revenue, your Committee is of the opinion that few, if any cities, receive that share to which they are equitably entitled. The effect of the war on the small share that cities now receive is adverse and should tend to further enlighten City Finance Officers and Municipal Law Officers that definite action must be taken by the States to enable the cities to attain a balance between the financial resources of the cities and the cost of services demanded by citizens.

This committee recommends that every City Attorney offer his services not only to his own Finance Officer but also to the League of Municipalities of his state in an effort to have his state legislature appreciate and correct the difficulties that force the cities from their lack of adequate revenue sources." (p. 311)

A fine report is rendered by William E. Kemp, city counsel of Kansas City, Missouri, on the war and municipal airports. He states it thusly: "Under the Second War Powers Act of 1942,⁴ the Secretary of War, the Secretary of the Navy, or any other officer, board or commission, or governmental corporation, authorized by the President, may, upon the filing of a condemnation petition, take immediate possession of the property condemned and may immediately occupy, use and improve the same for the purposes of the Act. It is our information that it is a common proceeding for these various governmental authorities to obtain possession of the land by means of condemnation proceedings under the Second War Powers Act of 1942, and then negotiate a lease. An example of the precipitous manner in which a municipal airport may be taken over by the government is afforded by the experience of Los Angeles. Mr. Chesebro, City Attorney of Los Angeles, advises that the day after Pearl Harbor the Army moved in and practically took over the airport. No lease or arrangement of any kind was negotiated with the Federal government prior to the Army's taking possession of such portion of the airport as its requirements demanded, which included the unlimited use of the runways. This, of course, raised the question of compensation, control of the airport by the City's appointed manager, and damages to the airport and its facilities during the period of its use by the Army. Mr. Chesebro advises that at that time the representatives of the Army took the unqualified position that the government should not be called upon to pay any compensation for the use of any municipal airport and suggested that before agreeing to pay any compensation the government would take over the airport under condemnation proceedings. This left practically no alternative to the City inasmuch as the City authorities felt that the institution of condemnation proceedings would apparently put the City in the position of failing to cooperate with the National government in its

4 U. S. C. A.-Title 50, App. 632.

defense efforts. Another objection to the City's taking the position that would result in condemnation proceedings was the fact that under the Army's proposed arrangement the City would retain some degree of control over its airport. Following extended negotiations, it is our understanding that a lease has been worked out upon a basis of a nominal consideration but with the agreement (which was at first vigorously opposed by the Army) that the government would, upon the termination of the war restore the premises to the condition existing upon the date of taking." (p. 326 and 327)

The war and public utilities was considered in an article by Harry W. Oehler, city consul of St. Paul, who states: "Attempts to solve the problem have been 'exploratory,' relying mostly on private action, according to the survey. From now on, remedies tried 'will require more official municipal direction', and will come to include relocation of residences of workers close to their employment and utilizing 'waste' space in private dwellings for workers in nearby plants." (p. 344)

The fourth draft of the model handbill ordinance is presented by the city attorney of Duluth, H. E. Weinberg, who reports the aims of the ordinance as set forth in the first section as follows: "To protect the people against the unlawful activities or operations of dissolute persons of criminal habits or tendencies, representing themselves as solicitors, canvassers or handbill distributors, together with the names of their employers, and by regulating the business of handbill and advertising distribution through the imposition of reasonable license fees.

To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.

To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and the right to deliver non-commercial handbills to all who are willing to receive the same." (p. 381 and 382)

Vincent W. Dennis, city attorney of Hartford, discusses civil liberties in time of war in this manner: "It is universally recognized that the stress of wartime conditions provides the severest test of a democracy's ability to maintain the civil liberties of its population. When the national existence is at stake, the supreme and overpowering

demands of the law of selfpreservation necessarily take precedence over all considerations of personal liberty, to the extent that the sacrifice of such considerations is essential to assure the defeat of the enemy. This, of course, is but another way of stating the clear and present danger test, the constitutional yardstick by which we measure the scope of permissible curtailments of civil freedom in the interest of national victory. Our statute books contain provisions readily convertible into formidable weapons of repression should it be believed that a necessity exists to throttle dissentient and critical voices. In the very nature of things, therefore, the manner in which our civil liberties fare while we are at war depends upon the wisdom, the forbearance, and the common sense which we show in dealing with critics, dissenters, non-conformists and even obstructionists."

The legal and administrative phases of prostitution control is reported on by the commissioner of police for the city of Detroit, John H. Witherspoon, who concludes: "It is not going to help the problem nationally unless the attack is national in scope. It is basically a local problem, but vigorous law enforcement in one city magnifies the problem in an adjoining community unless a similar program is followed. A spasmodic and spectacular cleanup campaign is not the answer. The problem requires a continuous and steady enforcement of existing laws. This business of commercialized prostitution can be broken up and cleaned out—it must be—national defense and the health and welfare of this country demands it." (p. 422)

City Attorney, John L. Exby of Memphis deals with compulsory treatment of persons infected with syphilis by saying, "There can be no doubt in the opinion of the writer of the power of the City, under its broad police power, to take whatever steps may be necessary to safeguard the public health. This power is generally given to municipalities in the broadest terms and with less restrictions than any other power granted to a municipality. It stems from the Latin maxim, *calus populi suprema est lex*, the welfare of the people is the first law. From the earliest time, municipalities have had power to enforce quarantine laws and in England, even before the Norman conquest the coroners were charged with the duty of placing in quarantine ships entering the ports of England with persons having communicable or infectious diseases and detaining them until the danger to the public health had passed. It is under this power of quarantine that the City of Memphis has inaugurated its plan of compulsory treatment for syphilis." (p. 423)

Mr. William C. Chanler, corporation counsel for the city of New York, discusses the topic of why we fight this war. Mr. Chanler is now a colonel in the Army with whereabouts unknown. His discussion of this topic is both interesting and enlightening. If every American would take time to read his article, they too would have a much better idea of why we need to consider post war planning. First we shall give you an excerpt from his talk and secondly to point out a classic example of the American way of life Mr. Chanler's closing paragraph.

Colonel Chanler states: "The path is clear. There are only two alternatives. Either we must become and remain an armed camp, with the probable destruction of democracy, or we must make whatever sacrifices must be necessary to preserve the peace. Whether you like one theory or another, whether you agree with me as to which path should be **TAKEN OR NOT, DO NOT LET ANYBODY TELL OUR PEOPLE** 'to forget it', when this war is over. Let us make our choice openly, and then do something towards discharging our obligation to the next generation, one way or the other. Don't let's just go to sleep and wait till it happens again." (p. 446)

"This country boy was taking his girl for a ride, and like most of us who were born and reared in the country, there wasn't much conversation that he could give her. After having ridden along for sometime, he turned to her, and simply because he was not able to say anything else, he said, 'Will you marry me, Maggie?' and she said, 'Why, yes.' That was to his complete embarrassment.

They rode along for another half-hour without speaking a word, and she finally said, 'John, you haven't spoken for fifteen minutes.' He looked at her and he said, 'Maggie, I've said too damn much already.'

We are adjourning this program because we have said too much already, and you can now go to your respective night clubs, if you please." (p. 447)

The Honorable F. H. LaGuardia, Mayor of New York city, discussed federal-city relations and the war. Following there are several of his more enlightening paragraphs: "I don't know what experience you have had, but we have to be very careful, and one of the greatest causes of our trouble is over-enthusiasm on the part of minor officials or subordinates in the armed services. For instance, a few days ago, it was not so very long ago, a Lieutenant called up the Department of Sanitation and said, 'Send ten trucks immediately.' He was ordering around the Department of Sanitation. Of course, when it came to my attention, I took it up with the head of the division. I just said, 'Have you declared martial law?' and he said, 'No, not yet.' (p. 449) That was settled very easily.

As to whether or not such requisition would impair the health and the safety of the city, particularly in water supply—we find now that we have almost daily a requisition for the part of the water distribution system that we must have on hand for proper and prudent maintenance and the supply of water. That is true also in sewage and sewage disposal. You can readily understand, in a city of this kind, how well we must be prepared in sewage disposal, and we had made such provision; we had the machinery ready to make certain repairs. That machinery has been taken from the city, and all we can do now is pray that the sewage will flow. If anything should happen, we are not in a position to make major repairs of our equipment or the sewage disposal plant. (p. 450 and 451)

Any agency of government that assumes jurisdiction must be sure

that it has the power to enforce its mandate. That is the test. If it has no power to enforce its mandate, any action taken by such agency becomes futile. In normal times of peace, such discussions are always educational and sometimes ever entertaining, but in time of war, we must necessarily conserve our energy and time and devote all of it to the matters of importance where we have the power to see them through. (p. 452)

I hope you paid attention to what the President said in the last paragraph of his letter to you about the after-war problem. That is going to be a difficult one. It requires all the thought and all the study that we can put on it. I hope that we will be prepared for the after-war condition. I meet some people who are important and I discuss it with them and they say, 'Oh, let's win the war first!' Now, that is wrong. We have a responsibility. The Army and the Navy have one job to do, and that is to go out and win the war, and Congress and civil government must give that Army and Navy everything that they need to win the war. That is their one mission. But civil government has two duties and two missions: One, to win the war, and the other, to be prepared for conditions and to meet conditions following the war. We cannot ignore it; Congress cannot ignore it. Unless we know exactly what we are going to do, we are going to have confusion, we are going to have an economic crisis the like of which is too terrible to contemplate. (p. 453 and 454)

In addition to the national problems, you and I have our local problems. You know what we are all up against: All are matters that require study now and preparation and agreement, so that when it is over, all we have to do is to pull out the drawer and put it in motion. It can be done. It must be done. We will do it." (p. 454)

Harold Newman, general counsel office of civilian defense, reported on the program, problems and future plans of the office of civilian defense by laying down a recent act as follows: "During the ensuing months, a few claims were filed with the Federal Security Agency, involving injury or death to civilian defense workers, and it was found that the Presidential allocation written way back in last February, when things were pretty new, was not broad enough because it covered persons injured by enemy action only. The General Counsel of the Federal Security Agency ruled, and probably correctly, that these persons injured in practice blackouts were not injured by enemy action and were not included by the President. We did take the initiative and on October 5, 1942, the President signed an amendment to that temporary allocation and expressly included civilian defense workers, meaning the members of the U. S. Citizens Defense Corps in the communities, and aircraft waring service, in addition to civil aircraft patrol, and those who are injured or killed and their families and dependents will be entitled to benefits and will be entitled to medical care at the expense of the Federal government." (p. 456)

Cities in the air age was reported on by L. Welch Pogue, of the

Civil Aeronautics Board, when he said: "A philosopher once remarked that 'a city without vision is lost.' Cities should be planning now on how best to capture their legitimate share of the air commerce to come. It is vitally important to such planning, however, that you realize first something that aviation has shown us: that the navigable ocean of the air requires no special channels to reach any city, that it serves Des Moines, Iowa, as easily and as well as it serves New York. Certainly if air cargo from England, China or Brazil is destined for our own Middle West, the elaborate machinery for trans-shipping at the border,—as is done in present land and sea commerce—would be costly and unnecessary! For shipments originating and termination within the United States, the same principles apply." (p. 468)

Canada and the war was discussed by city attorney, Carl P. Bethune, K.C., of Halifax, Nova Scotia, who said: "Nowadays, however, the carrying on of a war involves both a military, naval and air force struggle and also a tremendous economic struggle to keep the country in an efficient state in order that the fighting forces can be adequately supplied and also to plan for after the war in order to preserve the country itself so that when our fighting forces return from fighting for the existence of their country they will have a decent country to which to return. This war is not only a conflict of tanks, bombers and ships, but it is also one of psychology, propaganda, information and planning for the future.

As a result, wars today are fought both by the armed forces and the civilian population—each with a separate task and each task of equal importance. We are all pretty clear in our minds as to the task of our armed forces—it is to subdue the armed forces of the enemy, and to wipe out his resistance. The civilian task is not as clear. They must fight shadowy ephemeral things called 'inflation', 'rising cost of living', 'morale' and perhaps most important 'decreased production.' They cannot see their enemy. It is not a case of personal, individual, hand-to-hand conflict. It is not the effect of one individual civilian securing a personal physical victory which shows. It is the combined and cumulative effect of thousands and millions of individual victories both psychological and physical which results in the defeat of the ghosts which I have just referred to. The civilian army must pull together. Each civilian must regard the war as his personal conflict. He must, for his own efficiency, keep his faith in his cause, his leaders and his government. Loss of this faith by an individual is a victory for the enemy and a small defeat, but a wholesale loss of faith by large sections of the population is equivalent to the rout of large parts of our armed forces, and if not checked at once by firm methods, will doubtless mean the loss of the war and its attending enslaving of our free people." (p. 474 and 475)

Your author has but one comment to make on "Municipalities and the Law in Action", and that is that this publication would be indispensable to any and every city attorney in this nation.

—Thomas F. Halligan.